Dkt. No.: 6348

IN THE UNITED STATED PATENT AND TRADEMARK OFFICE

First Named Inventor:	Beat Kindler	Patent No.:	7,291,133
Appln. No.:	09/092,546	Issue Date:	November 6, 2007
Filing Date:	June 5, 1998	Art Unit:	3763
Title:	Device for the Metered Administration of a Fluid Drug	Examiner:	M. Desanto

REQUEST FOR CERTIFICATE OF CORRECTION
(UNDER 37 C.F.R. § 1.322)

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests a Certificate of Correction for the above-identified patent under 37 C.F.R. § 1.322 to correct errors made by the U.S. Patent and Trademark Office (the "Patent Office"), as presented on attached PTO Form SB/44.

The errors presented herein are of a clerical and minor nature and correction does not involve changes in the patent which would constitute new matter or require re-examination. For reference regarding the correct reading of Claim 10, please refer to the attached copy of the Amendment and Response filed December 6, 2006, particularly page 3.

Since the errors sought to be corrected were made by the Patent Office, it is believed that no fee is due with this filing. However, if any fees are deemed necessary, such fees may be charged to Deposit Account No. 04-1420.

Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: April 29, 2008

By: David E. Bruhn

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PTO/SB/44 (09-07) Approved for
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.:	7,291,133
APPLICATION NO.:	09/092,546
ISSUE DATE:	November 6, 2007
INVENTOR(S):	Beat Kindler; Daniel Peter; Ueli Haueter; Reto Aeschlimann

It is hereby certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

SPECIFICATION

Column	Line	PTO	Should Read
3	62	"secured 21 on a rack"	-- secured on a rack --
6	28	"snapped 16 together"	-- snapped together --
7	57	"Lip 35,"	-- Lip 35. --

CLAIMS

Column	Line	PTO	Should Read
12	10	"connector casing housing connecting section"	-- housing connecting section --

MAILING ADDRESS OF SENDER:

Dkt. No.: 6348

DORSEY & WHITNEY LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket: 6348

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Beat Kindler		
Appln. No.:	09/092,546		
Filing Date:	June 5, 1998	Examiner:	M. DeSanto
Title:	Device for the Metered Administration of a Fluid Drug	Group Art Unit:	3763

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action of September 27, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-36. (Cancelled)

37. (Currently amended) A device for administering in doses, in particular infusing, a medicinal liquid, comprising:

a) a ~~casing~~ housing comprising a housing connecting section and a container from which the medicinal liquid is displaced through an outlet in doses, to be administered, wherein the housing connecting section connects the outlet to a catheter, the catheter having a front end that is or can be connected to an administering needle, wherein the rear end of the catheter is attached to the front end of the housing connecting section, the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet;

~~b) a container accommodated by said casing housing and from which said medicinal liquid is displaced through an outlet in doses, in order to be administered;~~

~~c) a connector casing which connects said outlet to a catheter, the catheter having an end that is or can be connected to an administering needle; and~~

b) ~~d)~~ a valve ~~carried by~~ positioned in the ~~connector casing~~ housing connecting section and arranged in a flow cross-section of the medicinal liquid, and which in order to prevent self-emptying only allows a through-flow towards the end of said catheter when the liquid pressure acting in this direction is greater than a pressure bearing on said valve as a result of the inherent weight of a liquid column in the device, wherein

c) ~~e)~~ the medicinal liquid is displaced through the outlet by advancing a stopper; and

d) ~~f)~~ the ~~connector casing~~ housing connecting section is detachably connected to the outlet and carries a connecting needle such that said connecting needle pierces a membrane sealing the outlet when the ~~connector casing~~ housing connecting section is connected.

38. (Currently amended) The device as set forth in claim 37, further comprising an outlet support associated with the container, wherein the ~~connector casing~~ housing connecting section is fixed to the outlet support.

39. (Previously presented) The device as set forth in claim 37, wherein the valve comprises a passive unidirectional valve.

40. (Previously presented) The device as set forth in claim 37, wherein the valve does not allow the flow until the fluid pressure exceeds the maximum possible pressure of the fluid column.

41. (Currently amended) The device as set forth in claim 40, wherein the valve does not allow the flow until the fluid pressure exceeds the maximum ~~possible~~ fluid pressure of 0.3 bar ~~the fluid column, multiplied by a safety factor greater than 1~~.

42. (Previously presented) The device as set forth in claim 37, wherein the valve comprises a valve body having a biasing force against at least one opening of a supply line for the medicine fluid which leads to the valve body, wherein the magnitude of the biasing force is selected such that it generates a force on a contact area of the valve body which encompasses the opening, forming a seal, said force being greater than the force exerted on the charged valve cross-section by the fluid column.

43. (Previously presented) The device as set forth claim 42, wherein the contact area is formed on a sealing lip encompassing the opening.

44. (Currently amended) The device as set forth in the claim 43, wherein the valve body is tensed above the sealing lip towards a wall, up-stream of the sealing lip, of a fluid-tight ~~casing~~ housing connecting section accommodating the valve body.

45. (Previously presented) The device as set forth in claim 43, wherein the sealing lip is formed on the supply line.

46. (Previously presented) The device as set forth in claim 43, wherein the sealing lip presses transverse to the flow direction against a circumferential area encompassing the flow cross-section.

47. (Previously presented) The device as set forth in claim 42, wherein the valve body encompasses a surface area of the supply line and the region of the supply line encompassed by the valve body is provided with the at least one opening forming the flow cross-section.

48-50. (Cancelled)

51. (Previously presented) The device as set forth in claim 37, wherein the connector casing is fastened to an outlet support of the container which lengthens the outlet.

52. (Cancelled)

REMARKS

The present communication responds to the non-final Office action of September 27, 2006 in which the Examiner rejected claims 37-47 and 51 and withdrew from consideration claims 48-50. Claims 41 and 42 were rejected under 35 U.S.C. § 112, second paragraph. Claims 37-47 and 51 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 5,807,323 ("Kriesel et al.").

The claim rejections are traversed in view of the above amendments and for at least the reasons articulated below, and reconsideration is requested.

Claims 37-47 and 51 are currently pending. Claims 48-50 and 52 have been cancelled. Claims 37-38, 41 and 44 have been amended. Support for the amended claims can be found in general throughout the specification and in particular, for example, at page 8, lines 8-12 and FIG. 1. No new matter has been added. There were two claims labeled 42 in the listing of claims submitted with the previous response to the Office on July 10, 2006. To correct the inadvertent clerical error in claim numbering the first occurrence of claim 42 has been renumbered as new claim 52 and subsequently cancelled.

Interview Summary

Examiner DeSanto is kindly thanked for extending the courtesy of a telephone interview with Applicant's representative on November 29, 2006. During the interview, amendments to clarify the claims were discussed, along with overcoming the rejection of the claims, aspects of the Kriesel et al. reference, and ways to distinguish claims 37-47 and 51 over Kriesel et al. It was suggested that rewording the claim language in regard to the housing and housing connecting section and adding an independent claim limitation that the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet would distinguish the claims over Kriesel et al. The Examiner indicated that claims so amended should be in condition for allowance, but if he had any concerns about the claim language that he would telephone Applicant's representative to discuss them and, if necessary, possibly enter an Examiner's Amendment to put the claims in condition for allowance.

Rejection under 35 U.S.C. §112

Claims 41 and 42 were rejected under 35 U.S.C. § 112, second paragraph.

As noted above, the first occurrence of claim 42 has been renumbered as claim 52 and subsequently cancelled.

The Examiner's suggestion about positively reciting the maximum pressure of the valve is appreciated, and has been followed by amending claim 41 to recite that the valve does not allow the flow until the fluid pressure exceeds the maximum fluid pressure of 0.3 bar.

Reconsideration and withdrawal of the rejection of claim 41 are requested.

Rejection under 35 U.S.C. § 102

Claims 37-47 and 51 were rejected under 35 U.S.C.§ 102(e) as anticipated by U.S. Patent 5,807,323 ("Kriesel et al.").

The Examiner requested further clarification with regards to the terms "casing" and "container" and where these terms can be found in the specification and drawings so that prosecution can be expedited.

The term "casing" has been replaced in the claims by the term "housing." The terms "housing" and "container" are used in the specification, particularly on page 7, lines 20-21 which states, "The insulin dissolved in a carrier fluid is contained in a container or an ampule I, secured on a rack or in a housing G."

For further clarification, the term "connector casing" has been replaced in the claims by the term "housing connecting section." In the specification on page 8, lines 8-9, "The housing 20 serves as a connecting section for the catheter 8." *See also,* Applicant's FIG. 1.

Amended claim 37 is directed to a device for administering in doses, in particular infusing, a medicinal liquid, including a housing that includes a housing connecting section and a container from which the medicinal liquid is displaced through an outlet in doses, to be administered, wherein the housing connecting section connects the outlet to a catheter, the

catheter having a front end that is or can be connected to an administering needle, wherein the rear end of the catheter is attached to the front end of the housing connecting section, the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet, a valve positioned in the housing connecting section and arranged in a flow cross-section of the medicinal liquid, and which in order to prevent self-emptying only allows a through-flow towards the end of the catheter when the liquid pressure acting in this direction is greater than a pressure bearing on the valve as a result of the inherent weight of a liquid column in the device, wherein the medicinal liquid is displaced through the outlet by advancing a stopper, and the housing connecting section is detachably connected to the outlet and carries a connecting needle such that the connecting needle pierces a membrane sealing the outlet when the housing connecting section is connected.

Kriesel et al. discloses a syringe type apparatus including:

> a dispensing device, which is generally designated in FIG. 16 as 114, includes a blunt cannula 116 which extends into inlet port 114a so that when cylindrical extension 112 of the syringe assembly is telescopically received therewithin the blunt cannula 116 will penetrate an elastomeric slit septum 110 carried within a cylindrical extension 112 provided on a syringe housing 113, which is of the general character previously described. Upon penetration of the slit septum, fluid will be free to flow from the syringe assembly through a passageway 115a provided in cannula 115 into a chamber 117 and then into passageway 116a of the blunt cannula and in a direction toward a valve means provided with the inlet portion of the dispensing device. (Kriesel et al., col. 9, lines 12-25.)

Kriesel et al. does not disclose a housing connecting section which connects an outlet to a catheter, the catheter having a front end that is or can be connected to an administering need, wherein the rear end of the catheter is attached to the front end of the housing connecting section, the rear end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet as is recited in claim 37. (*See* Kriesel et al. FIG. 16.)

Accordingly, the rejection of claim 37 under 35 U.S.C. §102(e) should be reconsidered and withdrawn.

Rejection of the Dependent Claims

Because claims 38-47 and 51 depend directly or indirectly from the independent claim 37 and incorporate all the limitations of claim 37 they are allowable for the same reasons and, further, in view of their additional recitations.

Conclusion

The Commissioner is hereby authorized to charge any deficiencies and credit any overpayments associated with this paper to Deposit Account No. 04-1420.

This application now stands in allowable form, and reconsideration and allowance are requested. If the Examiner has any questions he may contact the undersigned or Wendy Peterson at (612) 492-6878.

Respectfully submitted,

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Date: December 5, 2006

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